

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AVRAM VINETO NIKA,

Petitioner,

vs.

RENEE BAKER, *et al.*,

Respondents.

3:09-cv-00178-JCM-WGC

ORDER

In this capital habeas corpus action, the petitioner, Avram Vineto Nika, filed a second amended petition for writ of habeas corpus on August 3, 2015 (ECF No. 73). Respondents are due to respond to Nika's second amended petition by October 5, 2015. *See* Order entered June 18, 2015 (ECF No. 68).

Also on August 3, 2015, the government of the Republic of Serbia ("Serbia") filed a motion (ECF No. 69), requesting leave of court to file, as amicus curiae, a brief in support of Nika, as well as the proposed amicus brief itself and four attached exhibits (ECF No. 72). Respondents did not respond to Serbia's motion.

A federal district court has discretion to accept an amicus brief from a non-party regarding an issue with ramifications beyond the parties directly involved, or from a non-party that can offer "unique information or perspective that can help the court beyond the help that the lawyers for the

1 parties are able to provide.” *Cobell v. Norton*, 246 F.Supp.2d 59, 62 (D.D.C.2003) (quoting *Ryan v.*
2 *Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1064 (7th Cir.1997)); *see also NGV Gaming,*
3 *Ltd. v. Upstream Point Molate, LLC*, 355 F.Supp.2d 1061, 1067-69 (N.D.Cal.2005).

4 The court finds that there is good cause to allow the filing of Serbia’s amicus brief and
5 supporting exhibits. The court will grant Serbia leave of court for that filing.

6 Any further filing by Serbia as amicus curiae must be pursuant to a *sua sponte* invitation by
7 the court, or with leave of court granted upon a motion. Any motion by Serbia for leave of court to
8 file a further brief as amicus curiae must be filed in such time so as not to delay the progress of this
9 case, and must include, as an attachment, a copy of the proposed brief.

10 In view of this order granting Serbia leave of court to file a brief as amicus curiae, the court
11 will *sua sponte* extend the time for respondents to respond to Nika’s second amended habeas
12 petition.

13 **IT IS THEREFORE ORDERED** that the motion for leave to file brief of the Republic of
14 Serbia as amicus curiae in support of petitioner is **GRANTED**. As the amicus brief has already been
15 filed, the clerk of the court need take no further action in this regard.

16 **IT IS FURTHER ORDERED** that the time for respondents to respond to the petitioner’s
17 second amended habeas petition shall be extended to and including **November 13, 2015**.

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19 Dated September 10, 2015.

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22 UNITED STATES DISTRICT JUDGE
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